

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

PREPARATION AND DISTRIBUTION OF BALLOTS

168.559 Official primary election ballots; preparation, distribution.

Sec. 559. It shall be the duty of the board of election commissioners of each county in this state to prepare and furnish the necessary official primary election ballots, except for city offices, which may be required for use by the electors of any political party at the August primary.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.560 Official ballots; contents; exclusive use; size.

Sec. 560. Such ballots shall contain the instructions as to the method of voting. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast or counted in any election precinct at any such primary election. The size of all official ballots shall be such as the board of election commissioners shall prescribe.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.560a General election ballot; qualifying to list name, party vignette, and candidates thereon.

Sec. 560a. A political party the principal candidate of which received at the last preceding general election a vote equal to or more than 1% of the total number of votes cast for the successful candidate for secretary of state at the last preceding election in which a secretary of state was elected is qualified to have its name, party vignette, and candidates listed on the next general election ballot.

History: Add. 1976, Act 94, Imd. Eff. Apr. 22, 1976.

Constitutionality: The Michigan supreme court, in *Socialist Workers Party v Secretary of State*, 412 Mich 571; 317 NW2d 1 (1982), held that 1976 PA 94, which added this section, violates Const 1963, art 1, § 2 and art 2, § 4, and the first and fourteenth amendments to the United States Constitution.

Popular name: Election Code

168.560b Name appearing on ballot; change; appearance of given and middle name; nickname; married name; violation.

Sec. 560b. (1) A candidate required to indicate a name change on the affidavit of identity under section 558 shall be listed on the ballot with his or her current name and former name as prescribed by the secretary of state.

(2) Subject to subsections (3) and (4), both a candidate's given name and surname that he or she was given at birth, and only those names, shall appear on the ballot, except under 1 of the following circumstances:

(a) The name in question, whether a given name, a surname, or otherwise, is a name that was formally changed.

(b) The candidate is subject to subsection (1).

(c) The name in question, whether a given name, a surname, or otherwise, is 1 of the following:

(i) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(ii) A name that was changed because of marriage.

(iii) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(3) A candidate may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot. A candidate may specify that either an initial or a recognized diminutive for the candidate's given or middle name, or for both, shall appear on the ballot.

(4) A candidate is prohibited from specifying that a nickname that is not a recognized diminutive of the candidate's given name or middle name appear on the ballot. A married individual is prohibited from specifying that his or her spouse's given name, or an alternative for that given name otherwise permitted under subsection (3), appear on the ballot.

(5) A ballot that would violate this section shall not be produced, printed, or distributed.

History: Add. 2002, Act 163, Imd. Eff. Apr. 9, 2002.

Compiler's note: Former MCL 168.560b, which pertained to primary election ballot and rights of voters, was repealed by Act 116 of 1988, Imd. Eff. May 2, 1988.

Popular name: Election Code

168.561 Official primary election ballots; offices for which name of candidate to be included; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.

Sec. 561. (1) The ballots prepared by the board of election commissioners in each county for use by the electors of a political party at a primary election shall include the name of each candidate of the political party for the office of governor, United States senator, and district offices; for the county, the name of each candidate of the political party for county offices; and for each township, the name of each candidate of the political party for township offices.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates, including candidates for nonpartisan offices, for the same office have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the last date for filing nominating petitions. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who files nominating petitions with the secretary of state. The request shall be filed with the state board of canvassers not later than 5 days after the last date for filing nominating petitions. The board of state canvassers shall make its determination at the same time it makes a declaration of the sufficiency or insufficiency of nominating petitions in compliance with section 552.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office shall be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham county circuit court. The appeal shall be filed within 14 days after the final date for determination by the board. The court shall hear the matter de novo. Except as provided in subsection (4), in the case of the same surname or of a final determination by the board or by the court before the latest date that the board can arrange the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates on the ballot or ballot labels under their respective names. The term "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

(4) If there are 2 candidates with the same or similar surnames and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, no other designation shall be provided for the other candidate with the same or similar surname. If there are more than 2 candidates with the same or similar surname and 1 of the candidates is entitled to an incumbency designation by section 24 of article VI of the state constitution of 1963, a clarifying designation may be given to the other candidates with the same or similar surname. Except for an incumbency designation under section 24 of article VI of the state constitution of 1963, if 2 or more candidates with the same or similar surnames are related, the board shall only print the residence or date of birth of each of the candidates as a clarifying designation. As used in this subsection, "related" means that the candidates with the same or similar surnames are related within the third degree of consanguinity.

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1966, Act 328, Imd. Eff. July 19, 1966;—Am. 1967, Act 36, Eff. Nov. 2, 1967;—Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002.

Popular name: Election Code

168.561a Official ballots; designation of candidate with same given and surname as incumbent.

Sec. 561a. In any primary election whenever any candidate for public office has the same given and surname as the name of the person last elected to such office, when the person last elected is not seeking

renomination, below the name of said candidate on the ballot shall appear the words “not the present” and in said space shall be printed the title of the office sought. The size of type used in any other designation on the ballot shall not be reduced in size from the size of type normally used.

History: Add. 1960, Act 88, Imd. Eff. Apr. 25, 1960.

Compiler's note: Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

“A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW

Public Act 269 of 2001 would:

- Eliminate “straight party” vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.
- Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
- Require expedited canvass if presidential vote differential is under 25,000.
- Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.

—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes _____

No _____

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

Popular name: Election Code

168.562 Official ballots; delegates to county convention.

Sec. 562. The said ballots shall also contain as many lines as there are delegates to be elected to the county convention by the particular political party. Such lines shall be printed under the title “Delegates to county convention”, and no ballot for a delegate to a county convention of any political party shall be counted unless prepared and voted under authority of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.562a Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.

Compiler's note: The repealed section pertained to delegate ballots.

Popular name: Election Code

168.562b Election as delegate to state convention or national convention; signing affidavit; voting for presidential candidate; filing affidavit.

Sec. 562b. (1) Before an individual may be elected as a delegate to the state convention or national convention of a political party, that individual shall sign an affidavit including 1 of the following:

(a) The name of a candidate for president of the United States of that individual's political party that he or she is bound to vote for at each stage of the nominating process until the end of the first ballot at the national convention of that political party unless otherwise released from that commitment under subsection (3). The requirements of this subdivision are met only if the designated presidential candidate's name appears on the presidential primary election ballot.

(b) A statement that the individual is uncommitted regarding the candidates for president of the United States.

(2) Except as provided in subsection (3), an individual elected as a delegate to the state convention or national convention of a political party is bound to vote at each stage of the presidential nomination process until the end of the first ballot at the national convention of that political party for the candidate for president of the United States that he or she designated a commitment to by written affidavit as required in subsection (1), if any, before his or her election.

(3) A delegate to the state convention or national convention is bound to vote for the presidential candidate the delegate is committed to under subsection (2) unless the delegate is released from that commitment by written notice to the chairperson of the state central committee by the presidential candidate or the presidential candidate publicly withdraws from contention for that party's nomination.

(4) An individual seeking election as a delegate to the state convention, or his or her designee, shall file the affidavit required under subsection (1) with the county chairperson or the chairperson of the district committee. The county chairperson or the chairperson of the district committee shall file a copy of that affidavit with the chairperson of the state central committee.

(5) An individual who has not filed an affidavit under subsection (4) and who is seeking election as a delegate to the national convention, or his or her designee, shall file the affidavit required under subsection (1) with the chairperson of the state central committee.

History: Add. 1988, Act 275, Eff. Sept. 1, 1988.

Compiler's note: See Green Party of Michigan, et al v Terri Lynn Land, case no. 08-10149, March 26, 2008.

Popular name: Election Code

168.563 Primary election ballots; number; weight and color of paper; printing and arrangement.

Sec. 563. The number of ballots to be printed for the use of the electors at any primary election in any election precinct shall be not less than 25% more than the total number of ballots cast therein at the corresponding primary election held 4 years previously. The ballot at any partisan primary election shall consist of 1 sheet of 70-pound white book paper, machine finished, or the equivalent. The elections commission may provide that 1 of the political party tickets shall be printed on each side thereof or that the party tickets shall appear on 1 side of the ballot only. If 3 or more parties are represented at a partisan primary, the ballots shall be arranged with a foldover extension or the election commission may provide that the parties shall appear on 1 side of the ballot only. If the ballots are printed on 1 side only the order of the parties on the ballot shall be the same as they will appear on the general election ballot. The parties shall be separated by a heavy black line. If ballots are printed on 2 sides or with a foldover extension the various party tickets shall be printed, as near as may be, in the manner herein before set forth and shall be rotated so that each party ticket will appear face up on alternate ballots. The election commission may provide for the printing of the ballots on colored paper as follows: State and county ballots, white paper; nonpartisan ballots, blue tinted paper; constitutional amendments and state propositions, red tinted paper; county propositions, green tinted paper; local propositions, buff paper; local candidates, white paper. If the election commission prints ballots on colored paper, all instruction ballots shall be printed on any color paper not used for official ballots.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 1970, Act 34, Imd. Eff. June 16, 1970;—Am. 1972, Act 198, Imd. Eff. June 29, 1972.

Popular name: Election Code

168.564 Official ballots; failure of party to file required petitions, party ballot not printed.

Sec. 564. If in the case of any political party it shall appear that no person has filed the necessary number of nominating petitions, as required by this act, for nomination as a candidate of said party for any office, then no ballot for the use of said political party at the primary shall be printed.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.565 Filing, mailing, and correcting proof copies of ballots; affidavit.

Sec. 565. Proof copies of the ballots shall be placed on file in the office of the county clerk at least 14 days prior to the primary election, and, at the time of filing, 1 proof copy of the ballot shall be sent in counties with a population of 1,500,000 or more by registered or certified mail with return receipt demanded, and in counties with less than 1,500,000 by first class mail to the secretary of state and 1 to each candidate whose name appears upon the ballots, at his or her last known address. If a candidate desires to correct the ballot, the candidate shall forward the ballot to the county clerk within 2 business days of the receipt of the ballot, with the corrections noted on the ballot. The county clerk shall prepare and sign an affidavit when sending proof ballots which: attests that proof ballots were mailed as required; lists the candidates who were mailed ballots; the address to which the ballots were mailed; and lists the date or dates proof ballots were mailed.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;—Am. 1984, Act 113, Imd. Eff. May 29, 1984.

Popular name: Election Code

168.566 Official primary ballots; posting for public inspection.

Sec. 566. The official primary ballots shall be posted in a conspicuous place at the office of the county, city, village or township clerk, as the case may be, for public inspection at least 3 days prior to distribution for

use at the primary election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.567 Official primary ballots; errors, correction by board of election commissioners.

Sec. 567. The boards of election commissioners shall correct such errors as may be found in said ballots, and a copy of such corrected ballots shall be sent to the secretary of state by the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.568 Official primary election ballots; form; contents.

Sec. 568. The official primary election ballots shall be prepared in the following form: At the top of each ballot shall be printed in large type, "Official primary election ballot". Underneath the heading shall be printed the date of the election at which the ballot is to be used, together with a designation of the political subdivision, as county, district, city, ward, et cetera, in which it is to be used. Then shall follow, in bold-faced type, the name of the political party and vignette, below which shall appear the following instructions to electors: "Make a cross or a check mark in the square to the left of not more than the number of names for each office as may be indicated under the title of each office." Under this heading shall appear the names of the candidates seeking nomination for various offices on the ticket of the political party. The order of the offices on the ballot shall be the same, as near as may be, as is required by law in making up the ballot used at general elections. The title of the office shall be immediately above the names of the candidate or candidates for the nomination of each office, and under the title the words "Vote for not more than," followed by the word "one" or "two" or such other word as will designate the number of candidates for the nomination to the office that may be voted for. The names of the different candidates shall be separated from each other by a light-faced rule with a square at the left of each name. The spaces devoted to the candidates for nomination to different offices shall be separated by a black-faced rule so as to separate each office division distinctly. However, the board of election commissioners in any county or city may, if considered desirable, arrange the ballots with an identification numeral to be placed in the same space with the name of each of the candidates, with the identification numeral to be rotated with the name of the candidate when rotated, regardless of where the name may appear upon the ballot.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

Popular name: Election Code

168.569 Official primary ballots; numbering; separation of columns.

Sec. 569. The ballots for each election district shall be numbered consecutively in the manner provided for the preparation of ballots for general election. Said ballot may be in 1 or more columns as may be determined by the board of election commissioners preparing the same. If 2 or more columns are used on the ballots, the columns shall be separated by a heavy black line.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.569a Rotation of names; manner; effect of using absent voter counting boards; section applicable to nonpartisan general elections and municipal elections.

Sec. 569a. (1) In all primary elections, if there are more names under the heading of an office than there are candidates to be nominated and the same office appears in more than 1 precinct, the names shall be rotated in the following manner: In printing each set of ballots for the several election precincts, the relative positions of the different names printed in each division shall be changed as many times as there are candidates in that division and as reasonably as possible a candidate's name shall not appear at the top of the ballot more times than any other candidate's name in that division. The names shall first be arranged alphabetically according to surnames on each ballot used in the precinct. In the next precinct the names shall appear in the same order on each ballot, except that the name appearing first under each office in the preceding precinct shall be last. The names shall be changed in that manner in every precinct of the city, village, township, or county.

(2) Where absent voter counting boards are used, each ballot form which contains identical offices and names shall be considered a separate precinct for the purposes of this section.

(3) Notwithstanding provisions of law or charter to the contrary, this section shall apply to nonpartisan general elections and to municipal elections.

History: Add. 1985, Act 24, Imd. Eff. May 24, 1985.

Popular name: Election Code

168.570 Paper ballots; numbering; identification; function of and requirements for detachable corner stub; distribution of ballots; form.

Sec. 570. Paper ballots shall be numbered consecutively and identified by use of the words "official primary ballot" on the upper right hand corner upon the front of the ballot with a perforated line across the corner and underneath the number and identification so that the corner with the number and identification may be torn off. The detachable corner stub shall serve for the several party tickets and the ballot number shall be printed upon the stub on 1 side only. A political party designation shall not appear upon a ballot corner so numbered and identified. After the ballots are trimmed and wrapped in sealed packages, they shall be distributed for use at the primary election in the same manner as is now provided by law for the distribution of ballots to be used at general elections. Ballots shall be prepared in substantially the following form:

OFFICIAL PRIMARY BALLOT	
No.	
OFFICIAL PRIMARY ELECTION BALLOT	
Primary election to be held 19.....	
in the county ofparty.	
(Vignette)	
You cannot split your ticket. If you vote for candidates on more than 1 party ticket, your ballot will be rejected.	
Make a cross or a check mark in the square to the left of not more than the number of names for each office as may be indicated under the title of each office.	
State.	Legislative.
Governor.	State Senator.
District.
Vote for not more than one.	Vote for not more than one.
[] 1 John Doe	[] 7 John Doe
[] 2 Richard Roe	[] 8 Richard Roe
[]	[]
Congressional.	Representative in State
	Legislature.
United States Senator.....District.
Vote for not more than one.	Vote for not more than one.
[] 3 John Doe	[] 9 John Doe
[] 4 Richard Roe	[] 10 Richard Roe
[]	[]
Representative in Congress.	County.
..... District.	Prosecuting Attorney.
Vote for not more than one.	Vote for not more than one.
[] 5 John Doe	[] 11 John Doe
[] 6 Richard Roe	[] 12 Richard Roe
[]	[]

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 108, Eff. Nov. 2, 1967;—Am. 1968, Act 46, Imd. Eff. May 24, 1968;—Am. 1985, Act 24, Imd. Eff. May 24, 1985;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

Popular name: Election Code

168.570a Official primary ballots; candidates for township offices, order of listing, party qualification; references to February primary and April election, definition.

Sec. 570a. The official primary ballot shall include candidates for township offices. Township offices and candidates shall follow state and county offices and candidates. Parties qualified to appear on the primary ballot for state and county offices and no others are qualified to appear and have the names of their candidates printed on the township portion of the primary ballot. Parties qualified to nominate candidates for state and county offices under the provisions of section 685 and no others are qualified to nominate candidates for township offices at the county caucuses provided in section 686a.

All references in the election law to a February primary shall be deemed to be references to the primary provided by the election law to be held in August prior to the general November election and all references to an April election shall be deemed to be references to the general November election.

History: Add. 1966, Act 58, Imd. Eff. June 7, 1966.

Popular name: Election Code

168.571 Repealed. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section provided that provisions pertaining to primary election ballots should apply to February primary.

Popular name: Election Code

168.572 Official primary ballots; provision for write-in votes.

Sec. 572. The ballots shall be prepared in such manner that the electors of each political party may write, print or paste the name of a candidate thereon.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.573 Official primary ballots; packaging, seal, certification.

Sec. 573. The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners, or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by himself personally, or by his duly authorized agent.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code